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Agenda item 5

Resolution adopted by the Human Rights Council on 6 July 2018

38/18. The contribution of the Human Rights Council to the prevention of human rights violations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenants on Human Rights and other human rights instruments,

Welcoming the fact that 2018 marks the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recognizing that States, including all branches thereof, have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations,

Reaffirming the contribution that the Human Rights Council makes to prevention, as set out in General Assembly resolution 60/251 of 15 March 2006, including paragraph 5 (f), recognizing that all the elements of its mandate are interlinked and mutually reinforcing, and recalling Council resolutions 5/1 and 5/2 of 18 June 2007,

Reaffirming also the existing procedures and mechanisms of the Human Rights Council, particularly the universal periodic review, the special procedures, the complaints procedure, the Advisory Committee and the open-ended intergovernmental working groups, whose mandates are relevant to the promotion and protection of human rights and the prevention of human rights violations,

Reaffirming further General Assembly resolution 48/141 of 20 December 1993, on the High Commissioner for the promotion and protection of all human rights,

Recalling Human Rights Council resolution 33/6 of 29 September 2016, on the role of prevention in the promotion and protection of human rights, and other relevant resolutions of the Council,

Recalling also General Assembly resolution 66/137 of 19 December 2011, on the United Nations Declaration on Human Rights Education and Training,

Emphasizing the fact that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling General Assembly resolution 70/262 of 27 April 2016, on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, as well as Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",

1. *Recognizes* the contribution that the Human Rights Council can make to the prevention of human rights violations, including through the mandate set out in paragraph 5 (f) of General Assembly resolution 60/251, which comprises two mutually reinforcing elements:

(a) To contribute, through dialogue and cooperation, towards the prevention of human rights violations;

(b) To respond promptly to human rights emergencies;

2. *Decides* to convene two intersessional seminars with States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of subregional and regional organizations, international human rights mechanisms, national human rights institutions and non-governmental organizations, on the contribution that the Human Rights Council can make to the prevention of human rights violations;

3. *Requests* the President of the Human Rights Council to appoint, as early as possible, a chair-rapporteur and two rapporteurs to chair and facilitate the two intersessional seminars in Geneva, and to consult and gather the views of relevant stakeholders in Geneva and New York, with a view to presenting proposals on how the Council could effectively contribute in the future to the prevention of human rights violations, in the form of a report for consideration by the Council at its forty-third session;

4. *Decides* that the report shall:

(a) Provide an overview of the views reflected in the two seminars;

(b) Give due consideration to how the Human Rights Council can work effectively with all pillars of the United Nations system on the prevention of human rights violations with a view to strengthening system-wide coherence and contributing to sustaining peace and the implementation of the Sustainable Development Goals;

(c) Give due consideration to the availability in the United Nations system of financial resources for human rights promotion, and for prevention in particular;

5. *Requests* the President of the Human Rights Council, when appointing the chair-rapporteur, to consult with regional groups and to give paramount consideration to governmental background or experience, and when appointing the rapporteurs, to give paramount consideration to relevant multilateral and human rights expertise and experience, as well as to gender and broad geographic representation;

6. *Calls upon* States and other relevant stakeholders to cooperate fully with the chair-rapporteur and the rapporteurs and to provide them with all the relevant information to enable them to fulfil their mandate;

7. *Requests* the United Nations High Commissioner for Human Rights to ensure that the chair-rapporteur and rapporteurs receive the necessary financial and human resources to enable them to discharge their mandate fully;

8. *Decides* to remain seized of the matter.

39th meeting
6 July 2018

[Adopted by a recorded vote of 28 to 9, with 8 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Georgia, Germany, Hungary, Iraq, Japan, Mexico, Mongolia, Nepal, Panama, Peru, Qatar, Republic of Korea, Rwanda, Senegal, Slovakia, Slovenia, Spain, Switzerland, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Egypt, Kyrgyzstan, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

Abstaining:

Angola, Democratic Republic of the Congo. Ecuador, Ethiopia, Kenya, Nigeria, Pakistan, Philippines]